

PATENT

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ATTORNEY DOCKET NO. CSHL.005.01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Roberto Malinow et al.**

Serial No.: **09/353,126**

Filed: **July 14, 1999**

Confirm No: **3018**

For: **DIAGNOSTIC METHODS FOR DRUG
SCREENING FOR ALZHEIMER'S DISEASE**

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)
) Examiner: Kunz, Gary L.
)
) Art Unit: 1647
)
) **COMMUNICATION**
)
)

#12
SQ
3/5/03

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the teleconference between the undersigned attorney and Examiner Kunz on February 26, 2003 concerning the status of the above-referenced patent application. Examiner Kunz has asked that we review our file as to the status of any outstanding rejections; he has advised that the application may be abandoned due to a failure by Examiner Turner to complete in a timely manner the necessary paperwork to maintain the active status of this application.

According to our file, the following is the chronology of events in the above-referenced patent application beginning with the final rejection:

May 9, 2001 Final Rejection.

July 25, 2001 Request for Withdrawal of Finality based on the fact that the Examiner had raised new grounds of rejection not necessitated by Applicants' amendment, mailed.

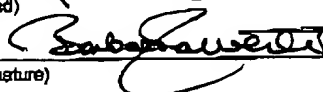
August 29, 2001 Telephonic conference between Jeffrey Libby and Examiner Turner, in

CERTIFICATE OF MAILING VIA FACSIMILE TO: (703) 308-4407
I hereby certify that this correspondence is being transmitted via facsimile and is addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231.

(Dated)

(Signature)

February 28, 2003



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which the Examiner advised that the finality of the Final Rejection would be withdrawn when we filed a response (copy of file notes attached)

September 4, 2001 Advisory Action, in which the Examiner stated (item 11) "Upon filing of a full and timely response to the outstanding action finality will be reconsidered and the amendment considered on the merits". The Examiner erroneously checked boxes 2, 6 and 8; Applicants had specifically noted on the Request filed July 25, 2001 that it was not a response to the official action (see last paragraph before CONCLUSION).

November 9, 2001 Response to Final Rejection filed with Request for Extension of Time, noting that the Examiner had indicated that finality would be withdrawn (see first paragraph, REMARKS) and therefore not including a Notice of Appeal.

January 11, 2002 Telephonic conference between Koren Anderson and Examiner Turner, in which the Examiner again advised that the Request for Withdrawal of finality of the Final Rejection had been granted (copy of file notes attached).

January 14, 2002 Interview Summary, in which the Examiner stated "Finality of the previous action is hereby withdrawn. The amendment filed 12-18-01 is under consideration and an Office Action on the merits will follow."

February 27, 2002 Change of Correspondence Address mailed.

July 31, 2002 Status Inquiry mailed.

Examiner Sharon L. Turner advised on several occasions, both orally and in writing (as noted above), that the finality of the May 9, 2001 office action had been withdrawn. Therefore, even if there are outstanding rejections, the overdue action would appear to be mailing of an official action by the USPTO, not entry of an Examiner's amendment to put the case in form for allowance. Should the case in fact technically be abandoned because the Examiner did not in fact withdraw finality, please advise in the Notice of Abandonment whether the Applicants in their Petition to Revive would therefore need to submit a Notice of Appeal and the requisite fees.

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Respectfully submitted,

Date: February 28, 2003



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BRV/mnb

TELEPHONE REPORT

DATE: Aug 29, 2001	TIME:
PERSON CALLED: Jeff Libby by S.L. Turner	CALLER'S INITIALS:
TITLE: Examiner	
COMPANY: USPTO	
CLIENT/MATTER NUMBER: CSH L. 005.01 US	

NOTES:

Ex called and informed us that she agreed w/ our request to withdrawal holding of finality of last Office action on ~~new~~ new grounds for rejection. The finality of the last OA will be withdrawn after we respond to the last OA. The Ex. plans to draft an Advising Action.

TELEPHONE REPORT

DATE: 1/11-02	TIME: 2:20 pm
PERSON CALLED: Shawn Turner	CALLER'S INITIALS:
TITLE: Examiner	
COMPANY: USPTO	
CLIENT/MATTER NUMBER: CS H2. 005. 01 US	

NOTES:

09/353,124

- request to withdraw finality has been granted.
- Will be receiving an OA in about 2-3 weeks
- Mailing Interview Summary about withdrawn, should receive in about 1 week